

INDIVIDUAL PRACTICES OF JUDGE SAND
Effective January, 2005

Unless otherwise ordered by Judge Sand, matters before Judge Sand shall be conducted in accordance with the following practices:

1. COMMUNICATIONS WITH CHAMBERS

- A. Letters.** Except as otherwise provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court.
- B. Telephone Calls.** Except as provided in Paragraph 1(D) below, telephone calls to chambers are permitted only in emergency situations requiring immediate attention. In such situations only, call chambers at 212 - 805-0244.
- C. Faxes.** Faxes to chambers are not permitted.
- D. Docketing, Scheduling, and Calendar Matters.** For docketing, scheduling and calendar matters, call Daniel Kenneally at 212 - 805-0244.
- E. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. MOTIONS

- A. Pre-Motion Conferences in Civil Cases.** For discovery motions, follow Local Civil Rule [37.2 [Southern District]]. For motions other than discovery motions, pre-motion conferences are not required.
- B. Courtesy Copies.** Courtesy copies of all motion papers, marked as such, for chambers, shall be submitted at the time the papers are served in accordance with the SDNY policy regarding mail deliveries.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Filing of Motion Papers. Motion papers shall be filed promptly after service. All civil motions, unless brought on by Order to Show Cause, will be made returnable on Thursdays at 2:15 P.M. in courtroom 15-A. All motions must be made in strict compliance with Local Rule 6.1. Moving papers are to be served (courtesy copies, marked as such, for chambers, shall be submitted at the time the papers are served in accordance with the SDNY policy regarding mail deliveries) by 12:00 noon on the Monday ten (10) days prior to the return date. Answering papers are to be served by 12:00 noon on the Monday before the return date, and reply papers (if any) are to be served by 12:00 noon on the Wednesday before the return date. Any motion addressed to the complaint should have a copy of the Complaint annexed as an exhibit.

E. Oral Argument on Motions. Oral argument will be held on all motions **except motions in cases in which some parties are pro se (unless the court orders argument) and motions for reconsideration.**

F. Summary Judgment Motions in Cases Involving Pro Se Litigants. Any party seeking summary judgment in whole or in part against a pro se litigant must, in accord with Vital v. Interfaith Medical Center, 168 F.3d 615, 620-21 (2d Cir. 1999), and Champion v. Artuz, 76 F.3d 483 (2d Cir. 1996), plainly advise that litigant of the nature of the motion, of the possible consequences of failing to respond, and that the Court will deem true all statements contained a Local Rule 56.1 statement unless controverted. Failure to comply with this requirement may result in sua sponte denial of the motion.

3. PRETRIAL PROCEDURES

A. Joint Pretrial Orders in Civil Cases. Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order, which shall include the information required by Federal Rule of Civil Procedure 26(a)(3) and the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all

statutes relied on and relevant facts as to citizenship and jurisdictional amount.

- iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law which have been agreed to by all parties.
- viii. A statement by each party as to the witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.
- xi. A statement whether the parties consent to a less than unanimous verdict.**

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

- i. In jury cases, requests to charge and proposed voir dire questions;
- ii. In nonjury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element; **proposed findings of fact and conclusions of law;**

- iii. In all cases, motions addressing any evidentiary or other issues which should be resolved in limine; and
- iv. In any case where such party believes it would be useful, a pretrial memorandum.

4. ECF CASES

- A. Courtesy Copies of Electronic Filings.** Courtesy copies of all documents filed electronically, marked as such, for chambers, shall be submitted at the time the filings are made, in accordance with the SDNY policy regarding mail deliveries.
- B. Letters to Chambers.** Letters to chambers regarding an ECF case should not be electronically filed. Such letters should simply be mailed to chambers as they would be in a non-ECF case.